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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) Case No. 07-70574 WDB
Plaintiff,) [PROPOSED] ORDER GRANTING
v.) SECOND STIPULATION TO WAIVE
MICHAEL MARTIN, et al.,) TIME UNDER SPEEDY TRIAL CLOCK
Defendants.) AND FOR PRELIMINARY HEARING
Date: October 26, 2007
Time: 10:00 a.m.
Before the Honorable Wayne D. Brazil

[PROPOSED] ORDER

Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter filed a Second Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing seeking to waive and extend the time for the preliminary hearing and to exclude the time between October 26, 2007 through December 14, 2007 from the Speedy Trial Clock. The Stipulation was signed by counsel of record as well as the defendants such that the defendants knowingly and voluntarily waiving their rights to a preliminary hearing on October 26, 2007, and extending the preliminary hearing until December 14, 2007. The Stipulation also noted that the United States provided discovery to the defendants' attorneys and will be providing additional

[PROPOSED] ORDER GRANTING PRELIMINARY
HEARING EXTENSION AND EXCLUSION

1 discovery. This information will allow the defendants' attorneys to better evaluate the case and
2 assist in preparing a defense. Counsel also acknowledged that an exclusion of time under the
3 Speedy Trial Clock is appropriate to allow for the effective preparation of defense counsel taking
4 into account the exercise of due diligence. Good cause appearing therefor,

5 **IT IS HEREBY ORDERED** that the period of time between October 26, 2007 and
6 December 14, 2007 is excluded from the Speedy Trial Clock to allow counsel to effectively
7 prepare, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The
8 Court finds that the "ends of justice served by the granting of such continuance outweigh[s] the
9 best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).
10 Additionally, the Court finds that the defendants knowingly and voluntarily waived the period
11 between October 26, 2007 and December 14, 2007 , such that preliminary hearing is now
12 scheduled for December 14, 2007 at 10:00 a.m.

13 DATED:

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WAYNE D. BRAZIL
16 United States Magistrate Judge
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